

## **EXHIBIT F**

DEPARTMENT OF HEALTH & HUMAN SERVICES  
Centers for Medicare & Medicaid Services  
7500 Security Boulevard, Mail Stop N2-20-16  
Baltimore, Maryland 21244-1850



**Office of Strategic Operations and Regulatory Affairs /Freedom of Information Group**

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Refer to: Control Number 032620197026 and PIN NVEZ  
Control Number 032520197107 and PIN A2FZ

May 20, 2019

Ina Jaffe  
NPR News  
9909 Jefferson Blvd.  
Culver City, CA 90232

Dear Ms. Jaffe:

This is in response to both Freedom of Information Act requests that you submitted on March 25, 2019 (see control numbers above) in which you requested the following records and information regarding the CMS memo sent to state survey agency directors on March 1, 2019:

<https://www.cms.gov/Medicare/Provider-Enrollment-and-Certification/SurveyCertificationGenInfo/Downloads/QSO19-07-NH.pdf>

**#032620197026**

- 1) A list of those facilities and their locations organized to distinguish the facilities that are in Group 1 and Group 2 as described in the memo, as well as all other facilities CMS deems "late adopters."
- 2) Names of the corporate chains that have significant numbers of nursing homes identified as late adopters.

**#032520197107**

- 3) The December 2017 notification document(s) sent to nursing facilities that have been designated "late adopters."
- 4) The notification document(s) sent to corporate chains with large numbers of late adopter nursing homes.
- 5) Any correspondence from individual nursing homes or corporate chains in response to these notifications, as well as CMS' replies.

**Item 1:**

Our agency initiated a search for records falling within the scope of your request, and located 107 pages of documents in response to your request. We are releasing those documents to you in their entirety, without deletions.

The following is an explanation of the color coding on the spreadsheet per your request to organize the facilities by Group 1 and Group 2:

- The nursing homes highlighted in red (Group 1) and blue (Group 2) are among the subset of late adopters that are subject to enforcement remedies under the policy. The remainder of the non-highlighted nursing facilities are not subject to enforcement remedies; however, they will be closely monitored under this policy.

Item 2:

After a careful search of the Centers for Medicare & Medicaid Services (CMS) files, i.e., a search reasonably calculated to locate records responsive to your request and employing reasonable standards, we were unable to locate any records.

Item 3:

The December 2017 notification document was provided to the identified late adopters through the Certification and Survey Provider Enhanced Reports (CASPER) Five Star Nursing Home Compare Provider Preview Report in December of 2017. The notice consisted of the following:

**Important Information about antipsychotic medication use in your facility**

The National Partnership to Improve Dementia Care recently announced a new goal. Nursing homes with low rates of antipsychotic medication use are encouraged to continue their efforts and maintain their success, while the late adopters with high rates of use are encouraged to work to decrease antipsychotic medication use by 15 percent by the end of 2019.

We are reaching out to you to make you aware of this information and let you know that your facility has been identified as a late adopter.

This means that your nursing home was:

- In the top quartile in 2017Q1 for the long-stay antipsychotic medication QM (a value greater than 20.29 percent);
- In the top quartile in terms of rate of increase in the long-stay medication quality measure (QM) from 2011Q4 to 2017Q1 (an increase of more than 6.47 percent); and
- Not in the top decile in terms of schizophrenia prevalence in 2017Q1 (currently 18.29%).

Nursing Home Compare data have been provided to your State's Dementia Care Coalition, State Survey Agency, and CMS Regional Office. You may be contacted by one of these organizations for education and referral purposes.

Questions about the National Partnership can be sent via email to [doh\\_behavioralhealth@cms.hhs.gov](mailto:doh_behavioralhealth@cms.hhs.gov)

Item 4:

After a careful search of the Centers for Medicare & Medicaid Services (CMS) files, i.e., a search reasonably calculated to locate records responsive to your request and employing reasonable standards, we were unable to locate any records.

Item 5:

After a careful search of the Centers for Medicare & Medicaid Services (CMS) files, i.e., a search reasonably calculated to locate records responsive to your request and employing reasonable standards, we were unable to locate any records.

If you believe this response constitutes an adverse determination, you may appeal. By filing an appeal, you preserve your rights under FOIA and give the agency a chance to review and reconsider your request and the agency's decision.

Your appeal must be mailed within 90 days from the date of receipt of this letter, to:

Principal Deputy Administrator  
Centers for Medicare and Medicaid Services  
Room C5-16-03  
7500 Security Blvd.  
Baltimore, Maryland 21244-1850

Please clearly mark both the envelope and your letter "Freedom of Information Act Appeal."

If you would like to discuss our response before filing an appeal to attempt to resolve your dispute without going through the appeals process, you may contact FOIA Analyst Desiree Gaynor ([desiree.gaynor@cms.hhs.gov](mailto:desiree.gaynor@cms.hhs.gov)) or the CMS FOIA Public Liaison for assistance at:

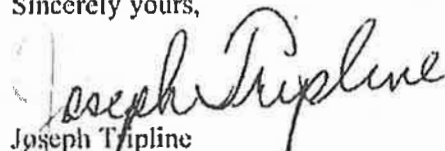
Joseph Tripline  
CMS FOIA Public Liaison  
Centers for Medicare & Medicaid Services  
7500 Security Blvd., MS N2-20-16  
Baltimore, Maryland 21244-1850  
Telephone: (410) 786-5353

If you are unable to resolve your FOIA dispute through our FOIA Public Liaison, the Office of Government Information Services (OGIS), the Federal FOIA Ombudsman's office offers mediation services to help resolve disputes between FOIA requesters and Federal agencies. The contact information for OGIS is:

Office of Government Information Services  
National Archives and Records Administration  
8601 Adelphi Road-OGIS  
College Park, MD 20740-6001

Telephone: 202-741-5770  
Toll-Free: 1-877-684-6448  
E-mail: [ogis@nara.gov](mailto:ogis@nara.gov)  
Fax: 202-741-5769

Sincerely yours,

  
Joseph Tripline  
Director, Division of FOIA Analysis - A  
Freedom of Information Group

Enclosure